

### **REMARKS**

Applicants respectfully request reconsideration and allowance in view of the following remarks.

#### **Rejection of Claims 1-12 Under 35 U.S.C. §112**

The Office Action rejects claims 1-12 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Applicants traverse this rejection and submit that the specification provides implicit and/or inherent support for the amendment language reciting “outside of a telecommunications network”.

The MPEP at 2163.07(a) says that by disclosing in a patent application a device that inherently performs a function or has a property, operates according to a theory or has an advantage, a patent application necessarily discloses that function, theory or advantage, even though it says nothing explicit concerning it. The application may later be amended to recite the function, theory or advantage without introducing prohibited new matter. *In re Reynolds*, 443 F.2d 384, 170 USPQ 94 (CCPA 1971); *In re Smythe*, 480 F. 2d 1376, 178 USPQ 279 (CCPA 1973). The specification teaches “Embodiments may also be practiced in distributed computing environments where tasks are performed by local and remote processing devices that are linked (either by hardwired links, wireless links, or by a combination thereof) through a communications network” and “Those of skill in the art will appreciate that other embodiments of the invention may be practiced in network computing environments”. Specification, paragraph [0049]. These sections of the specification recite that some embodiments of the invention can be practiced in the context of a communications network. Operating outside the context of a communications network is inherently disclosed because if some embodiments operate in a communications network context, others do not. Therefore, Applicants submit that

this amendment does not introduce new matter and respectfully request that the 35 U.S.C. §112 rejection be withdrawn.

**Rejection of Claims 1, 7-8, 11-12, 21, 27-28 and 31-32 Under 35 U.S.C. §103(a)**

The Office Action rejects claims 1, 7-8, 11-12, 21, 27-28 and 31-32 under 35 U.S.C. §103(a) as being unpatentable over Devine et al. (U.S. Publication No. 2003/0217190) ("Devine et al.") in view of Sinai et al. (U.S. Patent No. 7,143,042) ("Sinai et al."). Applicants traverse this rejection and submit that it would not have been obvious to combine Devine et al. and Sinai et al. Applicants do not concede that it would be obvious to one of skill in the art to combine these references even under the KSR analysis which involved much simpler technology regarding sensor placement on a pedal. The Office Action does not address our previously presented arguments regarding the non-analogy of Devine et al. Rather, the Office Action dismisses the previously presented arguments as moot and simply adds Sinai et al. Applicants thank the Examiner for making this a non-final action, but note that MPEP 707.07(f) says that where the Applicant traverses any rejection, the Examiner should, if he or she repeats the rejection, take note of the Applicant's argument and answer the substance of it. Applicants submit that dismissing the previous arguments regarding non-analogous art as moot and adding a reference does not address the substance of our previous argument. Applicants again explain the relevant arguments in detail which did not receive an answer addressing the substance of the arguments.

Applicants respectfully submit that Devine et al. is non-analogous to converting a call flow for a spoken dialog service into a state-based representation and the scope of its teachings are not as broad as characterized in the Office Actions based on the fact that the teachings of Devine et al. involve how cable service providers manage cable networks. For example, in the

background of the invention section, paragraph [0003] explains how cable television operators need equipment that will support voice and telephone services over the cable network. The telecommunication systems need to be easy to use and integrate into the cable network. They also teach that the current cable network service operators are typically faced with telecommunication service solutions and architectures that were developed for other industries, classes of providers, scales and physical plants. Moreover, Devine et al. explain that cable service network operators compete against various traditional established telephone companies. To do this, they must offer services that customers want and cannot obtain through other providers.

Therefore, Applicants respectfully submit that it is clear that the scope of the teachings of Devine et al. is limited to a cable network service provider and how to respond to customers' needs within the cable network. Therefore, all the flowcharts and references to telephony services illustrated in Devine et al. are in the context of what a cable network service provider can offer. This is why paragraph [0006] concludes with the reference of a telephony service such as a call-waiting service which is a service provided by a cable network service provider. The Abstract also references a telephony or telecommunications service as being a call-waiting service.

Applicants further submit that the generic broadening language cited in paragraph [0067] would not suggest to one of skill in the art to go beyond the context of a cable network service provider. In other words, gaming, video conferencing, billing and other applications all are applications that fall within the scope of what a cable service network operator may provide as a telecommunication service over a cable network. Applicants respectfully submit that a spoken dialog system fundamentally differs from these types of services because when a user calls a spoken dialog system, how a connection is made from the caller to the called spoken dialog

system is irrelevant to the particular network (whether a cable network or a public switching telephone network).

The call flow which is part of the spoken dialog system occurs outside of the context of the telecommunications network. In other words, Figure 1 of the present disclosure explains in step 104 how the spoken dialog system presents an initial query to the user of “how may I help you?” At the start of this call flow, the calling user connects to the spoken dialog system. The particular network through which this connection is established is irrelevant. The example call flow shown in Figure 1 is entirely processed within the spoken dialog system which is outside of the control of a cable network operator, even if the communications traffic may travel through the network of the cable network operator. As the spoken dialog system receives input from the user and generates a response, the spoken dialog system steps through the various elements of the call flow. Again, these steps are performed completely externally to the cable network operator’s network. Therefore, Applicants respectfully submit that Devine et al. is non-analogous to converting a call flow for a spoken dialog service into a state-based representation. As non-analogous art, Devine et al. is not available under 35 U.S.C. §103 according to MPEP 2141.01(a).

Applicants maintain that Devine et al. is non-analogous to converting a call flow for a spoken dialog service into a state-based representation for yet another reason. Because Devine et al. focus on the functionality of a cable network service provider, Applicants submit that how to manage telephone calls through various components within the network including a TELCO trunk, an ISDN trunk, SS7 signaling channels and so on all require a person of skill in the art with regards to how call processing through a network occurs. Applicants respectfully submit that such a person is not going to be the same person who has skill in the art with regards to how to manage spoken dialog systems. As noted above, a spoken dialog system only needs a caller to

establish a call. Once that call is established, irrespective of the mechanism of how that connection is established with the server that manages the call flow, a person of skill in the art of spoken dialog systems needs to understand how to program, test, and adequately manage a spoken dialog system. One of skill in the art of spoken dialog systems would inherently have knowledge and experience with, for example, dialog management, speech generation, automatic speech recognition, and other specialized, domain-specific tasks. Such specialty knowledge and expertise is very dissimilar to the skills and expertise required of one of skill in the cable network art described in Devine et al. Applicants submit that the Office Action analysis necessarily requires two different people with skills in two different arts. Therefore, when the Office Action says it would be obvious for “one” of ordinary skill to have a flowchart for a spoken dialog service or any other process that can be represented by a flowchart because Devine et al. states that the systems and methods described here may be employed in many applications besides telephony services, Applicants ask is this a person of skill in the art in spoken dialog systems or a person of skill in the art of cable network service providers? Applicants submit that these simply cannot be the same people given the complexities and the narrow specialties involved in each system. For example, the present inventor is a researcher at AT&T Labs focusing on spoken language system. Completely separate groups within the present Assignee deal with and have expertise in the networking aspect of the company’s business. Therefore, Applicants submit that it can be easily established that no single person can have expertise that is “ordinary” that would span both disparate technologies.

Rather than address these arguments, the Office Action dismisses them as moot as a result of adding Sinai et al. to the rejection under 35 U.S.C. §103. Adding this reference without resolving the non-analogous status of Devine et al. is unpersuasive. Therefore, it would not have been obvious to one of skill in the art to combine Devine et al. and Sinai et al. Accordingly,

Applicants submit that claim 1 is patentable over Devine et al. and Sinai et al. Applicants submit that independent claim 21 and dependent claims 7-8, 11-12, 27-28 and 31-32 are also patentable and in condition for allowance. Applicants therefore respectfully request that the 35 U.S.C. §103(a) rejection be withdrawn.

**Rejection of Claims 2-3, 5, 22-23 and 25 Under 35 U.S.C. §103(a)**

The Office Action rejects claims 2-3, 5, 22-23 and 25 under 35 U.S.C. §103(a) as being unpatentable over Devine et al. in view of Sinai et al. and in further view of Mital et al. (U.S. Patent No. 7,184,967) ("Mital et al."). Applicants do not acquiesce that it would be obvious to one of skill in the art to combine Mital et al. with Devine et al. and Sinai et al. Applicants respectfully submit that given the above analysis that Devine et al. is non-analogous art and unavailable as prior art under 35 U.S.C. §103, these claims are patentable and in condition for allowance. Applicants request that the 35 U.S.C. §103(a) rejection be withdrawn.

**Rejection of Claims 4, 6, 9-10, 24, 26 and 29-30 Under U.S.C. §103(a)**

The Office Action rejects claims 4, 6, 9-10, 24, 26 and 29-30 under 35 U.S.C. §103(a) as being unpatentable over Devine et al. in view of Sinai et al. in view of Mital et al. and further in view of Wallace (U.S. Patent No. 4,686,623) ("Wallace"). Applicants do not acquiesce that it would be obvious to one of skill in the art to combine Wallace with Devine et al., Sinai et al., and Mital et al. Applicants respectfully submit that given the above analysis that Devine et al. is non-analogous art and unavailable as prior art under 35 U.S.C. §103, these claims are patentable and in condition for allowance.

However, Applicants further note that it would not have been obvious to one of skill in the art to combine Wallace with Devine et al., Sinai et al., and Mital et al., because no single

person having ordinary skill in the art could reasonably have command of multiple, diverse arts. Applicants submit that the proposed combination of Devine et al., Sinai et al., Mital et al., and Wallace et al., is beyond the reach of one person having skill in the art of converting a call flow for a spoken dialog service into a state-based representation. Applicants submit that combining these references would require not one, but at least three persons each having ordinary skill in his or her respective art. The art of Devine et al. relates to cable network service providers. The art of Sinai et al. relates to graphically authoring dialog flows for use in a voice response system. The art of Mital et al. relates to a scheduler program for modeling business workflow processes. The art of Wallace relates to computer compilers. One having ordinary skill in the art of cable network service providers does not know how to create a compiler, much less a compiler incorporating a table-driven attribute parser. One having ordinary skill in the art of graphically authoring dialog flows in a voice response system does not know how to manage a cable network, including an ISDN trunk and SS7 signaling channels. Each of these references is non-analogous to each other and would require multiple persons having skill in the art in order to combine them in the manner proposed in the Office Action. Therefore, Applicants submit that it can be easily established that no single person can have expertise that is "ordinary" that would span all of these disparate technologies. Accordingly, Applicants request that the 35 U.S.C. §103(a) rejection be withdrawn.

**CONCLUSION**

Having addressed all rejections and objections, Applicants respectfully submit that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited. If necessary, the Commissioner for Patents is authorized to charge or credit the **Novak, Druce & Quigg, LLP, Account No. 14-1437** for any deficiency or overpayment.

Respectfully submitted,

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